

**CALENDAR ITEM
C18**

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RECREATIONAL PIER LEASE

APPLICANT:

Roger Kelly
2869 Calariva Drive
Stockton, California 95204

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Calaveras River, in the city of Stockton, San Joaquin County.

AUTHORIZED USE:

The construction, use and maintenance of a floating boat dock, boathouse, ramp and walkway.

LEASE TERM:

Ten years, beginning September 1, 2002.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$300,000.

OTHER PERTINENT INFORMATION:

1. Currently, an existing wooden stairway, plank, and dock exist at the proposed location. Applicant proposes to remove these facilities and construct a new boat dock, boathouse, ramp and walkway in their place. Applicant qualifies for a Recreational Pier Lease because the Applicant is a natural person who has improved the littoral land with, and uses the upland for, a single-family dwelling.

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2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(1).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

3. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code sections 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

APPROVALS OBTAINED:

U. S. Army Corps of Engineers, U. S. Fish and Wildlife Service, California Department of Fish and Game, The Reclamation Board, California Regional Water Quality Control Board

EXHIBITS:

- A. Site Map
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

September 23, 2002

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF

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REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(1).

AUTHORIZATION:

AUTHORIZE ISSUANCE TO ROGER KELLY OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING SEPTEMBER 1, 2002, FOR THE CONSTRUCTION, USE AND MAINTENANCE OF A FLOATING BOAT DOCK, BOATHOUSE, RAMP AND WALKWAY ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$300,000.